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MEMORANDUM

TO: Heads of Fire Departments

FROM: Stephen D. Coan
State Fire Marshal

DATE: August 23, 2007

SUBJECT: **Fire Safety Act of 2004: Sprinkler Installation Deadline**

The purpose of this memorandum is to remind you about an important deadline relating to the implementation of the provisions of the Fire Safety Act of 2004, which requires automatic sprinklers in certain existing buildings designed or used as a nightclub, dancehall, discotheque or bar or for similar entertainment purposes (M.G.L. c. 148, s.26G½; st. 2004, c.304).

Buildings subject to this law are generally required to install the required sprinkler system by **November 15, 2007** (three years from the effective date of the law which was November 15, 2004).

It appears that most fire departments in the Commonwealth have already taken proactive action by informing building owners of their obligations under this law. If you desire to remind owners, you should simply remind them of your previous Order of Notice and their obligation to complete the installation by November 15, 2007. However, it is recommended that you do not re-issue a new Order of Notice as such action may re-trigger a new right of appeal. The law allows a Fire Chief to grant an extension for such installation for up to one year, if the owner has shown a good faith effort to comply with the law as evidenced by the timely filing of installation plans, entering into a contract and an indication that the delay was not caused by the owner.

With respect to those persons who may have pending appeals before the Automatic Sprinkler Appeals Board, it should be noted that the filing of a valid and timely appeal, generally stays any further enforcement action, pending the outcome of the appeal (see M.G.L. c.6, s.201).

You may find additional information about this important law by visiting the DFS or Automatic Sprinkler Appeals Board web site at www.mass.gov/dfs/index.shtm or by calling DFS at (978) 567-3181.